REMARKS

All the pending claims were rejected under 35 U.S.C. § 103(a) in view of the combination of Gosselin, Smith, Yuyama, JP '079, and Yoshikawa or Takizawa. Applicant respectfully traverses in view of the foregoing amendments and following remarks.

The presently claimed invention requires that the thermal transfer printed layer is formed using a thermal transfer printer or thermal transfer printing apparatus. The basis for this limitation can be found at least in paragraphs 34-36, and 56 as well as in the examples of the published application (2002/0090482). Advantageously, a thermal transfer printer and a thermal transfer printing apparatus are readily available and printing forms such as an offset plate are not required to be prepared in advance. Therefore, by using these apparatuses, it is possible to easily and economically produce (print) the various information, including the variable information on the releasing agent layer of the release sheet. This is especially helpful when the variable information to be changed in each of the labels is formed (printed) on the releasing agent layer of the release sheet, since the thermal transfer printer or thermal transfer printing apparatus is normally used in combination with a portable computer. Therefore, it is very easy to produce such variable information. In other words, the present invention requires the combination of a specific non-silicone based releasing agent layer and a thermal transfer printed layer ***which is formed using a thermal transfer printer or thermal transfer printing apparatus*** and which are compatible with such a thermal transfer printer or thermal transfer printing apparatus.

The cited references neither teach nor suggest these features. The Examiner admits that Gosselin does not teach non-silicone containing release materials, does not teach the use of metallic layer in the transfer printing layer, and does not teach a printed layer formed from epoxy resin and a pigment or dye. Therefore, the Examiner looks to Smith or Yuyama and contends that one skilled in the art would have modified Gosselin by selecting epoxy resin for use in the transfer barrier layer in combination with a pigment or dye as taught by either Smith or Yuyama. Similarly, the Examiner looks to JP '079 and contends that one skilled in the art would have further modified Gosselin to provide a release liner comprising a release liner base and a polyolefin elastomer/polyethylene resin release coat. Finally, the Examiner looks to Yoshikawa and contends that one skilled in the art would have further modified Gosselin to include a transfer printing layer comprising both a thin metal layer and an ink layer.

Only after the Examiner selects each of the claimed features from the cited art does the Examiner conclude that the claimed invention would have been obvious. Applicant respectfully suggests that the Examiner is simply using the Applicant's claim as a road map and then improperly using hindsight to look at the art to pick and choose from the art the particular features of the claimed invention. This process does not establish a *prima facie* case of obviousness and therefore, Applicant respectfully requests that the rejection be withdrawn.

Even if the Examiner still believes that the proposed combination is proper, Applicant contends that the proposed combination still does not teach each and every feature of the present claims. Smith merely discloses that a combination of a pigment

or dye and an epoxy resin can be used as an ink for transfer printing of a pattern to be printed on a controlled release surface of a release sheet. Smith does not disclose or suggest use of a thermal transfer printer or thermal transfer printing apparatus for producing such a printed pattern. Instead, Smith teaches away from such equipment because it shows a printing station in Fig. 9. Moreover, there is no suggestion in Smith that the pigment or dye of Smith could be compatible with an epoxy resin when using a thermal transfer printer or thermal transfer printing apparatus. Without any suggestion, there is no reason for one skilled in the art to select this particular feature from Smith.

Similarly, Yuyama merely teaches the use of an epoxy resin in a thermofusible coloring layer of a thermosenstive image transfer ink sheet. Yuyama does not teach or suggest compatibility between the releasing agent layer, which is formed of a non-silicone based releasing agent that contains an olefin-based thermoplastic elastomer and a polyethylene resin, and the thermal transfer printed layer, which is formed of a thermo-melting resin containing an epoxy resin and a vehicle including one of a pigment or a dye and which is formed by using a thermal transfer printer or thermal transfer printing apparatus. Further, Yuyama does not teach nor suggest a thermal transfer printed layer having various information and use of a thermal transfer printer or thermal transfer printing apparatus for producing such a thermal transfer printed layer as required by the present claims.

Yoshikawa is silent with respect to the use of a thermal transfer printer or a thermal transfer printing apparatus for producing the pattern layer 3 (see lines 27 to 30

of column 7). Therefore, Yoshikawa in combination with the other references cannot teach or suggest the presently claimed invention.

Moreover, Yoshikawa merely discloses a transfer sheet for provision of a pattern on a three-dimensional object having a substrate 1 made from an olefinic thermoplastic elastomer film, a release layer 2 provided on the substrate 1, a pattern layer 3 provided on the release layer 2, and an adhesive layer 4 provided on the pattern layer 3. The release layer 2 constitutes a part of a transfer layer 5, which is composed from the release layer, the pattern layer 3 and the adhesive layer 4. When the transfer operation is carried out, the release layer 2 is transferred onto the object and functions as a protective layer, which protects the surface of the object against chemicals or the like (see line 31 to 37 of column 6). Further, the release layer 2 is formed of polyvinyl butyral resin, cellulosic resins, acrylic resin, urethane resin and the like. Therefore, the release sheet 2 of Yoshikawa is not analogous to the specific non-silicone based releasing agent layer of the presently claimed invention, and thus the olefinic thermoplastic elastomer film (substrate 1) differs from the releasing agent layer of the present invention.

Further, although Yoshikawa suggests a modification in which the pattern layer is directly formed on the substrate 1 (that is, on the olefinic thermoplastic elastomer film), Yoshikawa does not disclose or teach that the pattern is formed of an epoxy resin, as claimed. Therefore, Yoshikawa does not teach the compatibility between the specific non-silicone based releasing agent layer and the thermal transfer printed layer as claimed. Accordingly, even if Yoshikawa were properly combined with the other cited

references, such combination still does not teach or suggest each and every feature of the present claims.

JP '079 merely discloses a release sheet having a release surface layer made of a mixture of polyolefin-based elastomer and polyethylene. Further, JP '079 does not teach or suggest the good compatibility between such a release surface layer and a thermal transfer printed layer formed of a thermo-melting resin containing an epoxy resin and formed by using a thermal transfer printer or thermal transfer printing apparatus as required by the present claims. Therefore, JP '079 alone or in combination with Gosselin and/or the other cited references cannot and does not teach the presently claimed invention.

In essence, Applicant respectfully contends that the Examiner merely selecting disparate features from each of the cited references to arrive at the Applicant's claimed invention, only by using Applicant's claims as a roadmap. This is not proper and therefore, the rejections should be withdrawn.

Applicant believes that all the claims are allowable and requests notification to that effect. If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

G. Peter Nichols
Attorney for Applicant
Reg. No. 34,401
Customer No. 00757